

March 16, 2020

**By ECF**

The Honorable Mary Kay Vyskocil  
United States District Court Judge  
Southern District of New York  
500 Pearl Street, Room 2230  
New York, New York 10007

**Re: SportsK.com Inc. d/b/a Jersey World v. Dallas Cowboys Merchandising, et al.;**  
**Case No.: 1:19-cv-11734 (MKV)**

Dear Judge Vyskocil:

We represent defendant Dallas Cowboys Merchandising (“DCM”), in the above-referenced matter (the “Action”). We write pursuant to Rule 2.G of Your Honor’s Individual Rules of Practice in Civil Cases to respectfully request an adjournment of two matters set forth in the Court’s February 7, 2020 Order (Doc. No. 18): (i) the Initial Pretrial Conference, currently set for March 26, 2020, and (ii) submission of a joint letter, currently set for March 19, 2020, based on DCM’s recent filing of a pre-motion letter that seeks a pre-motion conference with the Court to address DCM’s intention to move for dismissal of the Action in its entirety. (ECF Doc. No. 31.) Plaintiff consents to this request.

By way of background, this Action arises from claims that Plaintiff’s Amazon.com storefront, Jersey World, was closed by Amazon.com as a result of questions raised by a host of parties including, but not limited to, DCM, regarding Plaintiff’s use of defendants’ intellectual property assets. On March 11, 2020, DCM filed a letter requesting a pre-motion conference in connection with its anticipated motion to dismiss the Complaint in its entirety. See Doc. No. 31 (the “Pre-Motion Letter”). DCM’s Pre-Motion Letter sets forth a number of arguments that it contends require dismissal of the Action on procedural and substantive grounds, including that the Court lacks personal jurisdiction over DCM.

While the parties may disagree over the merits of the arguments outlined in DCM’s Pre-Motion Letter, the parties agree that it would likely be a waste of the parties’ (and the Court’s) resources to prepare a proposed case management order and engage in an Initial Pretrial Conference until such time as the Court decides whether the Action will proceed at all. This application will also further the goals set forth by federal authorities and guidance issued by New York City and New York State to avoid public gatherings to limit the strain on the healthcare system as a result of the COVID-19 pandemic. The undersigned’s law firm has already instituted a mandatory work from

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home policy consistent with this guidance from the City and State, which is expected to extend past March 26, 2020 (the current date of the Initial Pretrial Conference).

This request is DCM's first request for an adjournment and no other deadlines will be affected by this request. We thank the Court for its consideration of this request.

Respectfully submitted,

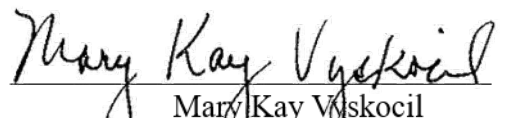


Joseph Lawlor

cc: Counsel for all parties (*By ECF and Email*)  
Chambers (*By Email: VyskocilNYSDChambers@nysd.uscourts.gov*)

This request is GRANTED. In light of Defendant's pending request to file a dispositive motion, dated March 11, 2020 [ECF #31], the Initial Pretrial Conference previously scheduled to take place on March 26, 2020 is adjourned sine die and the corresponding obligation of the parties to file a joint letter and Proposed Case Management Plan is suspended. However, as set forth in Rule 4(A) of this Court's Individual Rules of Practice, Plaintiff was required to respond to Defendant's March 11 pre-motion letter within three business days. Accordingly, it is HEREBY ORDERED that Plaintiff shall respond to the pre-motion letter by March 26, 2020. The Court will then determine whether to schedule a pre-motion conference or set a briefing schedule for Defendant's anticipated motion to dismiss Plaintiff's Complaint.

Date: 3/18/2020  
New York, New York

  
Mary Kay Vyskocil  
United States District Judge